

CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND
LOCAL BOARDS (RESTRICTED DEFINITION)
CITY OF WINDSOR

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PREAMBLE:

Improving the quality of public administration and governance can be achieved by encouraging high standards of conduct on the part of all government officials. In particular, the public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and maintain the City of Windsor's reputation and integrity.

To these ends, in 2001, as part of the adoption of the new Procedure By-law for the City of Windsor (By-law 420-2001), the "Procedure By-law") Council adopted the *Code of Conduct for Members of Council*. Recent amendments to the *Municipal Act*, S.O. 2001, c.25, as amended, (the "Municipal Act"), mandate that a municipality must institute a policy with respect to Accountability & Transparency and further, provides tools and mechanisms which municipalities may utilize in implementing such a policy, including allowing for the establishment of a Code of Conduct for Council Members and the enforcement of the same. In response to this requirement, the City has revised and updated the original *Code of Conduct*. It is intended to supplement and be compatible with the laws governing the conduct of members.

The key statements of principle that underline the *Code of Conduct* are as follows:

- Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;
- Members of Council are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and

- Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.

I. STATUTORY PROVISIONS REGULATING CONDUCT:

This *Code of Conduct* operates along with and as a supplement to the existing statutes governing the conduct of members. Four pieces of provincial legislation govern the conduct of members of Council:

- the *Municipal Act*,
- the *Municipal Conflict of Interest Act*;
- the *Municipal Elections Act, 1996*; and
- the *Municipal Freedom of Information and Protection of Privacy Act*.

The *Criminal Code* of Canada also governs the conduct of members of Council.

II. APPLICATION:

This *Code of Conduct* applies to all members of Council (including the Mayor).

This *Code of Conduct* also applies, subject to any necessary modification, to Council appointments to local boards as defined in section 1(1) of the *Municipal Act*, and to all other appointments to City committees, agencies, boards and commissions.

(The provisions of the *Municipal Conflict of Interest Act* also apply to local boards, as defined in that Act, with decision-making power).

III. DEFINITIONS:

In the *Code of Conduct*, the terms “child”, “parent” and “spouse” have the same meanings as in the *Municipal Conflict of Interest Act*:

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

“lobbyist” means persons paid by another company or individual to advance their interests, either personal or professional, including but not limited to consultants paid to lobby on behalf of a client, in-house lobbyists employed by persons, corporations or partnerships that carry on commercial activities for financial gain and in-house lobbyists employed by non-commercial organizations such as advocacy groups and industry, professional and charitable organizations. “parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage

IV. COUNCIL REMUNERATION

Every Councillor shall, on an annual basis, publicly disclose all remuneration paid to him or her as a result of being elected as a Member of Council including all amounts earned in connection with sitting on any and all Agencies, Boards, Commissions and Council Committees to which they are appointed by virtue of being Members of Council.

V. GIFTS AND BENEFITS:

No Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of Office, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the member's knowledge to a member's spouse, child, or parent, or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member.

The following are recognized as exceptions:

- a) compensation authorized by law;
- b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
- c) a political contribution otherwise reported by law;
- d) services provided without compensation by persons volunteering their time;
- e) a suitable memento of a function honouring the member;
- f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country;
- g) food and beverages consumed at banquets, receptions or similar events, if:
 - 1. attendance serves a legitimate business purpose;
 - 2. the person extending the invitation or a representative of the organization is in attendance; and
 - 3. the value is reasonable and the invitations infrequent; and
- h) communication to the offices of a member, including subscriptions to newspapers and periodicals.

Except for category (c), these exceptions do not apply to lobbyists. Lobbyists are not permitted to make a gift or provide a benefit under this provision unless it is a political contribution permitted by law.

In the case of categories (b), (e), (f), (g), and (h), if the value of the gift or benefit exceeds \$200, or if the total value received from any one source during the course of a calendar year exceeds \$200, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the Integrity Commissioner.

The disclosure statement must indicate

1. the nature of the gift or benefit;
2. its source and date of receipt;
3. the circumstances under which it was given or received;
4. its estimated value;
5. what the recipient intends to do with any gift; and
6. whether any gift will at any point be left with the City.

Any disclosure statement will be a matter of public record.

On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the member. In the event that the Integrity Commissioner makes that preliminary determination, he or she shall call upon the member to justify receipt of the gift or benefit.

Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City.

Except in the case of category (f), a member may not accept a gift or benefit worth in excess of \$500 or gifts and benefits from one source during a calendar year worth in excess of \$500.

VI. CONFIDENTIAL INFORMATION:

Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), or other legislation. Generally, MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

The *Municipal Act*, allows information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the *Code of Conduct*, “confidential information” also includes this type of information.

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.

Under the *Procedure By-law*, a matter that has been discussed at an in-camera (closed) meeting remains confidential. No member shall disclose the content of any such matter, or the substance of deliberations, of the in camera meeting until the Council or committee

discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of the types of information that a member of Council must keep confidential:

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or Request For Proposal submissions if so specified;
- information deemed to be “personal information” under the *Municipal Conflict of Interest Act*; and
- statistical data required by law not to be released (e.g. certain census or assessment date).

Members of Council should not access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

VII. USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES:

No member of Council should use, or permit the use of City land, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, web sites,

Council transportation delivery services and Councillor global budgets) for activities other than the business of the Corporation. Nor should any member obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the City.

VIII. ELECTION CAMPAIGN WORK:

Members are required to follow the provisions of the *Municipal Elections Act*, 1996. No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities on City property during regular working hours. No member shall use the services of persons during hours in which those persons receive any compensation from the City.

IX. IMPROPER USE OF INFLUENCE:

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a member's supposed influence within Council in return for present actions or inaction.

For the purposes of this provision:

"private advantage" does not include a matter:

- a) that is of general application;
- b) that affects a member of Council, his or her parents, children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or

c) that concerns the remuneration or benefits of a member of Council.

X. BUSINESS RELATIONS:

No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City except in compliance with the terms of the *Municipal Conflict of Interest Act*.

A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

XI. CONDUCT RESPECTING CURRENT AND PROSPECTIVE EMPLOYMENT:

No member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.

XII. CONDUCT AT COUNCIL:

Members shall conduct themselves with decorum at Council in accordance with the provisions of the *Procedure By-law*.

XIII. CONDUCT RESPECTING STAFF:

Only Council as a whole has the authority to approve budget, policy, Committee processes and other such matters. Accordingly, members shall direct requests outside of Council-approved budget, process or policy, to the appropriate Committee of Council.

Under the direction of the Chief Administrative Officer, staff serves the Council as a whole, and the combined interests of all members as evidenced through the decision of Council. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles are captured in the Schedule to the *Code of Conduct* and include dealing with constituents and the general public, participating as Council Committee members, participating as Chairs of Council Committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of City staff in both the carrying out of their responsibilities and in dealing with Council.

XIV. MANDATORY WARD MEETINGS:

There shall be, on an annual basis, a minimum of two (2) Ward Meetings held per Electoral Ward and the Councillors representing each ward shall work together to schedule and chair said meetings.

XV. INCORPORATION OF BELLAMY INQUIRY RECOMMENDATIONS

The recommendations made by Madame Justice Bellamy with respect to Ethics as a result of the “City of Toronto External Contracts Inquiry” as set out in Appendix B to this Code of Conduct are hereby incorporated by reference and shall form part of this Code of Conduct except that those recommendations pertaining to the Integrity Commissioner, Gifts and Gifts Registry shall be guidelines only and specific provisions contained in this Code of Conduct with respect to the same shall govern.

XVI. DISCREDITABLE CONDUCT:

All members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment. The *Ontario Human Rights Code* applies, as does the *City of Windsor Workplace Violence & Harrassment Policy*, dated September 24, 2004.

XVII. FAILURE TO ADHERE TO COUNCIL POLICIES AND PROCEDURES:

A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by Council. More generally, members of Council are required to observe the terms of all policies and procedures established by City Council.

This provision does not prevent a member of Council from requesting that Council grant an exemption from a policy.

XVIII. REPRISALS AND OBSTRUCTION:

Members of Council should respect the integrity of the *Code of Conduct* and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone for providing relevant information to the Integrity Commissioner is therefore prohibited. It is also a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications.

XVIV. ACTING ON ADVICE OF INTEGRITY COMMISSIONER:

Any written advice given by the Integrity Commissioner to a member binds the Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.

XX. COMPLIANCE WITH THE CODE OF CONDUCT:

Members of Council are accountable to the public through the four-year election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the *Criminal Code* of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.

In addition, subsection 223.3 (5) of the *Municipal Act, supra*, authorizes Council to impose either of two penalties on a member of Council or a local board following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the *Code of Conduct*:

- a) A reprimand; or

- b) Suspension of the remuneration paid to the member in respect of his or her services as a member of council or the local board, as the case may be, for a period of up to 90 days.

Other Actions:

The Integrity Commissioner may also recommend that Council or a local board take the following actions:

- a) Removal from membership of a Committee or local board.
- b) Removal as Chair of a Committee or local board.
- c) Repayment or reimbursement of moneys received.
- d) Return of property or reimbursement of its value.
- e) A request for an apology to Council, the complainant, or both.

SCHEDULE “A” TO THE CODE OF CONDUCT

ROLES AND RESPONSIBILITIES OF THE COUNCIL MEMBERS AND STAFF

Members of Council and staff of the City are both servants of the public and they are indispensable to one another. The Council directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council.

Council has delegated responsibility to the Chief Administrative Officer for the administration of the affairs of the City in accordance with the by-laws adopted. This means that under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establish the appropriate administrative directives, procedures, systems, structures and internal controls to implement the goals and objectives of Council, and to manage implementation within the resources at their disposal.

The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

1. The Whole Council, for example:

- a. exercises the authority delegated by the provincial legislature to the municipality and does not possess authority separate to that derived from provincial statute;
- b. is the legislative arm of the municipality and makes laws, determines property taxation levels, allocates expenditures and holds civic staff accountable by providing them with direction, assigning resources and monitoring policy decisions as implemented by staff;
- c. must have a quorum in order to vote to amend or enact by-laws;
- d. in a Committee-of-the-Whole meets as a general Committee to discuss and vote on which recommendations shall be forwarded to Council for subsequent decision;
- e. may sub-delegate administrative authority where the delegation does not entail power to determine or adjudicate rights; make policy; or take legislative action;
- f. receives all reports of all Standing Committees and other designated bodies for their acceptance, amendment, deferral or referral as the Council deems appropriate;
- g. holds regular and special meetings of Council in open session; a Committee-of-the-Whole meeting in open or closed session for legal, personnel or property matters of a sensitive nature; and

- h. may not amend or pass any by-law where Council meets as a Committee-of-the-Whole;
- i. follows the procedures it establishes in the Council Procedural By-law.

2. The Mayor, for example:

- a. Is the Chief Executive Officer of the Municipality;
- b. Carries out the duties of the head of council under the *Municipal Act* or any other Act;
- c. sees that the laws for the government of the Corporation are duly executed and obeyed;
- d. oversees the conduct of the subordinate officers in the government and administration and sees that all proven negligence, carelessness and violation of duty are dealt with;
- e. communicates information and recommendations to the Council from time to time that will tend to the improvement of the government;
- f. presides at all meetings of Council and ensures that all proceedings and conduct are enacted in accordance with the Procedural By-law so that the business of Council can be carried out efficiently and effectively;
- g. may summon a special meeting of the Council within a specified time period, as well as when requested to do so in writing by a majority of members;
- h. represents the views and interest of the City, its residents and taxpayers at a variety of official, public, ceremonial and intergovernmental events; and
- i. signs all By-laws and may sign debentures and promissory notes on behalf of the municipality

3. Committees of Council, as a Whole, for example:

- a. request reports as required to aid in their decisions on recommendations to Council;
- b. report and make recommendations to Council on policy matters referred to them;
- c. provide access to public communication and deputation on matters within their purview;
- d. examine all accounts connected with discharging its duties or under its supervision in accordance with the Procedural By-law, the Purchasing By-law and other by-laws; and

4. Council Committee Chairs, for example:

- a. review, identify and prepare agenda items and priorities with Department Heads and the Office of the Clerk's as appropriate;
- b. ensure program policies and priorities are established by the Committee;
- c. are often called upon at Council to answer questions on Committee recommendations;
- d. conduct meetings, provide direction, ensure fair and open discussion of agenda items in accordance with established procedures (Procedural By-law);
- e. may call special meetings of the Committee when the Chair or members feel it is necessary to do so;

5. Council Members on Agencies, Boards and Commissions, generally:

- a. perform as part of a Board, most of the same roles as Standing Committees;
- b. balance their role as the custodian of the City's tax dollars and representative of Council policies, with that of their fiduciary and other duties as a Board member;
- c. provide specialized advice and expertise to aid in decision-making; and
- d. provide an essential link between the body and Council such that Council positions can be conveyed to the body and vice-versa.

6. Staff of the City, for example:

- a. provide timely and useful advice to Council and its Committees;
- b. carry out specific directives, motions and policies approved or delegated to them by the Council;
- c. follow the intent of Council directions;
- d. alert Council to legal limitations of proposals, or changes in legislation, or unintended impacts of decisions;
- e. administer the organization and are responsible for day-to-day tasks in operations management;
- f. recommend policies, programs and budgets to Standing Committees and Council;
- g. respond to public inquiries and advise on Council approved policies;
- h. use allocated resources appropriately;
- i. stay informed and up to-date;
- j. undertake research and report on findings;
- k. evaluate staff assigned and correct any performance as required; and
- l. encourage the development of all staff under their supervision.

7. Councillors Generally, for example:

- a. represent the views of the public and exercise judgement to make decisions on behalf of them;
- b. respond to resident inquiries or refer such inquiries to appropriate staff or other organizations and generally provide assistance to constituents;
- c. participate in Council meetings and undertake the activities within the authority, operations and procedures of Council as outlined in (a) above;
- d. choose among alternatives and reconcile conflict among competing priorities;
- e. stay informed and keep up to-date;
- f. in Council, correct deficiencies in the system; and
- g. in Council, determine the overall system and structure of the Corporation.

Schedule “B” to the Code of Conduct –

City of Windsor Council-Staff Protocol (Revised, January 29, 2007)

Purpose

The City of Windsor’s Council-Staff Protocol sets out guidelines and ground rules for the effective interaction of City Council and staff members in the governing and management of the municipality.

Scope

This Council-Staff Protocol applies to all members of City Council and City staff, and members of boards and staff of related agencies, boards, and commissions.

Role clarification and sensitivity to the difference between the roles played by Council and staff members are fundamental to the success of our working relationships. Both Council and staff members have a responsibility to understand their role and follow the Council-Staff Protocol accordingly. Both Council and staff members are expected to enhance public education by providing context and process information about decision-making. Council and staff are required to work together towards policy development and implementation while understanding the various roles and expectations necessary for a highly effective working relationship.

Council and Administration will review the Council-Staff Protocol at the beginning of each new term of Council (at least once every four years) and incorporate any necessary amendments.

Respect

Council and staff operate within a very complex environment. Therefore some flexibility is required. Maintaining mutual respect between City staff and Council members is the only way to foster highly effective working relationships. Defining roles and expectations in advance helps achieve effective relationships that are equitable and without favouritism. Council and staff members demonstrate respect by refraining from expressing criticism of each other in public or through public communications regardless of the medium.

Core Values

Integrity/Ethics; Accountability/Responsibility; Service/Service Quality; Trust; and Leadership are the highest values held by Councillors and Staff. These values will be reflected in policy decisions, policy implementation and will form a vital part of the City of Windsor’s everyday operations.

Both Council and Staff Members are expected to:

- Demonstrate commitment to communication and consultation among ourselves and with the general public.
- Show leadership, relying on our knowledge and judgment, and respond based upon our areas of expertise.
- Maintain confidentiality at in-camera, committee and other meetings.

Council is expected to:

- Govern and provide/set clear political direction.
- Establish the municipality's vision and goals, and define needs and outcomes to be achieved through empowerment and effective staff performance.
- Act as a whole in developing policy.
- Respond to constituent concerns, keep City staff members informed, be open to discussion and ask for clarification when needed.
- Understand that individual Council members represent Council as a whole in the eyes of the public and staff members. Council members have a responsibility to bring controversial decisions back to the whole Council.
- Refrain from providing individual direction to the Chief Administrative Officer to initiate any action or prepare any report of a significant nature, or initiate any project or study without the consent of the entire Council.
- Ask questions of staff members prior to the public meetings whenever possible.
- Refrain from attempting on an individual basis to change or interfere with the operations and practices of any City department. Any questions or concerns related to operating rules and practices should be directed to the Executive Director of the department and any service requests should be directed to 311;
- Be sensitive to staff workload and resources.
- Refrain from using administrative resources for political/personal purposes.
- Refrain from micro-managing.
- Be open-minded, supportive; staff are fallible.
- Praise publicly and criticize privately.
- Respect administrative expertise; show respect.

Staff is expected to:

- Adhere to current Council approved policy.
- Accept that Council sets the agenda; refrain from directly or indirectly lobbying Council.
- Changes to policy should be formalized through reports to City Council. Keep Council informed and do not to blind side them (no surprises).
- Respect the limitations of the time of Council members.
- Be respectful and patient; don't point fingers of blame toward City Council.
- Provide factual, clear, timely and professional advice based upon professional judgment but also include a range of options where applicable.
- Respect Council's political decisions and refrain from making public any personal comments related to those decisions.
- Address Council questions on a timely basis and seek clarification when necessary and where appropriate.

SCHEDULE “C”

Bellamy Inquiry Recommendations – Ethics:

Codes of Conduct: General Principles

1. The City should expand its current code of conduct for councillors and its conflict of interest policy for staff to include broader ethical considerations.
2. The codes of conduct should go beyond the minimum standards of behaviour and set out the highest ideals and values toward which all public servants should be working.
3. The codes of conduct should be written in plain language that can be understood by all public servants as well as by the public.
4. The codes of conduct should reflect the difference in the roles of councillors and staff without setting different ethical standards.
5. Political staff should be required to adhere to the same ethical guidelines that apply to councillors and City staff. Councillors should have their staff execute an agreement to abide by the City’s codes of conduct.

Hiring

6. The City’s hiring processes should include appropriate questions designed to elicit some perspective on the ethics of applicants. Applicants’ responses to the ethics questions should then be considered prominently in hiring decisions.
7. New City employees should receive immediate training on the ethical dimensions of their particular work.

Training, Ongoing Education, and Monitoring

8. Training on codes of conduct should be mandatory for all City staff and councillors.
9. The City’s internal newsletter, *Inside Toronto*, should feature a regular column on ethics and a question-and-answer section where ethical concerns from staff are addressed anonymously.
10. Subject to collective bargaining restraints, all staff and councillors should be required to sign an annual declaration that they are aware of the codes of conduct, are versed in them, and will uphold them.

11. Staff and councillors should meet regularly with their co-workers or colleagues to discuss work-related ethical issues.
12. Staff and councillors should be encouraged to discuss ethical issues that arise from time to time with peers, managers, or the integrity commissioner.
13. The City's codes of conduct should be monitored vigilantly to ensure that they provide appropriate guidance. Change should be made promptly when necessary.
14. The City should promote awareness of the codes among all councillors and staff and provide guidance in complying with the codes.

Relations between Councillors and Staff

15. Both elected officials and staff should understand and honour their respective roles and responsibilities, act only within them, and never blur the distinction.
16. The Mayor in Council meetings, a committee chair, or anyone else in a formal or informal leadership role should immediately intervene in instances of uncivil behaviour and politely remind the person responsible of his or her duty to be civil.
17. Councillors should not ask staff to perform personal services for them.
18. Councillors should not attempt to influence staff behaviour by direct or indirect coercion of any kind, including intimidation, bullying, or alluding to future promotion or employment prospects.
19. Councillors should not ask staff to engage in partisan political activities for them.

Conflict of Interest and Apparent Conflict of Interest

20. Rules about conflicts of interest and apparent conflicts of interest should form part of the City's codes of conduct.
21. Councillors and staff should be made aware that it is unacceptable for them to act on a matter in which they have either a real or an apparent conflict of interest.
22. Councillors and staff should take steps to avoid as best they can both real and apparent conflicts of interest. For assistance, they should seek the guidance of the office of the integrity commissioner.

Some Specific Conflicts of Interest

23. Councillors and staff should not use their positions to further their private interests.
24. Councillors and staff should not concurrently accept employment by an outside interest that is either incompatible with or in conflict with their official duties.
25. Councillors and staff should not ask other City employees to perform work that is unrelated to City business during office hours.
26. Councillors and staff should not divulge confidential information to those not entitled to it.
27. Councillors and staff should not access confidential information if not required to do so for work purposes.
28. Recently departed City employees should not promote themselves as having otherwise unavailable access to City information, processes, or decision-makers.
29. Former councillors and City staff should not accept employment in which they would be dealing with matters or files that they worked on while at the City.

Preferential Treatment

30. Elected officials and staff should take all necessary steps to avoid preferential treatment or the appearance of preferential treatment for friends or family.

Disclosure and Recusal

31. Councillors should not vote on any issue at Council or committee that puts them in a real or apparent conflict with their personal finances. They should declare their conflict and recuse themselves.
32. Councillors should recuse themselves from matters that pose a real or apparent conflict with the finances of their spouse, parents, or siblings.
33. Staff should refrain from any involvement in analysis or decision making on an issue in which they have a real or apparent conflict of interest. Conflicts or apparent conflicts should be disclosed to or discussed with the staff member's supervisor.

Integrity Commissioner

34. A full-time integrity or ethics commissioner should be hired.

Appointment and Tenure

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49. The integrity commissioner should have the mandate and resources to participate actively in the development of ongoing ethical education programs or materials for City staff and councillors. Outreach of this type is an important part of ensuring a strong ethical culture.
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56. This policy should be reviewed after it has been implemented for two years.

Gift Registry

66. The City should establish a registry for gifts received by staff and councillors. The registry should be run by the integrity commissioner's office.
67. The gift registry should contain the following details in a searchable database:
 - a. the name of the individual who received the gift and the capacity

- in which he or she was serving at the time
 - b. a description of the gift
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Charity Events

69. The City should have a clear policy on when it is appropriate for councillors and City staff to attend charity events.

Elections Financing

70. The City should ask the Province to ban the practice of “bundling” in municipal elections, including bundling through lawyers’ trust accounts.

SCHEDULE “C”

Bellamy Inquiry Recommendations – Ethics:

Codes of Conduct: General Principles

1. The City should expand its current code of conduct for councillors and its conflict of interest policy for staff to include broader ethical considerations.
2. The codes of conduct should go beyond the minimum standards of behaviour and set out the highest ideals and values toward which all public servants should be working.
3. The codes of conduct should be written in plain language that can be understood by all public servants as well as by the public.
4. The codes of conduct should reflect the difference in the roles of councillors and staff without setting different ethical standards.
5. Political staff should be required to adhere to the same ethical guidelines that apply to councillors and City staff. Councillors should have their staff execute an agreement to abide by the City’s codes of conduct.

Hiring

6. The City’s hiring processes should include appropriate questions designed to elicit some perspective on the ethics of applicants. Applicants’ responses to the ethics questions should then be considered prominently in hiring decisions.
7. New City employees should receive immediate training on the ethical dimensions of their particular work.

Training, Ongoing Education, and Monitoring

8. Training on codes of conduct should be mandatory for all City staff and councillors.
9. The City’s internal newsletter, *Inside Toronto*, should feature a regular column on ethics and a question-and-answer section where ethical concerns from staff are addressed anonymously.
10. Subject to collective bargaining restraints, all staff and councillors should be required to sign an annual declaration that they are aware of the codes of conduct, are versed in them, and will uphold them.

11. Staff and councillors should meet regularly with their co-workers or colleagues to discuss work-related ethical issues.
12. Staff and councillors should be encouraged to discuss ethical issues that arise from time to time with peers, managers, or the integrity commissioner.
13. The City's codes of conduct should be monitored vigilantly to ensure that they provide appropriate guidance. Change should be made promptly when necessary.
14. The City should promote awareness of the codes among all councillors and staff and provide guidance in complying with the codes.

Relations between Councillors and Staff

15. Both elected officials and staff should understand and honour their respective roles and responsibilities, act only within them, and never blur the distinction.
16. The Mayor in Council meetings, a committee chair, or anyone else in a formal or informal leadership role should immediately intervene in instances of uncivil behaviour and politely remind the person responsible of his or her duty to be civil.
17. Councillors should not ask staff to perform personal services for them.
18. Councillors should not attempt to influence staff behaviour by direct or indirect coercion of any kind, including intimidation, bullying, or alluding to future promotion or employment prospects.
19. Councillors should not ask staff to engage in partisan political activities for them.

Conflict of Interest and Apparent Conflict of Interest

20. Rules about conflicts of interest and apparent conflicts of interest should form part of the City's codes of conduct.
21. Councillors and staff should be made aware that it is unacceptable for them to act on a matter in which they have either a real or an apparent conflict of interest.
22. Councillors and staff should take steps to avoid as best they can both real and apparent conflicts of interest. For assistance, they should seek the guidance of the office of the integrity commissioner.

Some Specific Conflicts of Interest

23. Councillors and staff should not use their positions to further their private interests.
24. Councillors and staff should not concurrently accept employment by an outside interest that is either incompatible with or in conflict with their official duties.
25. Councillors and staff should not ask other City employees to perform work that is unrelated to City business during office hours.
26. Councillors and staff should not divulge confidential information to those not entitled to it.
27. Councillors and staff should not access confidential information if not required to do so for work purposes.
28. Recently departed City employees should not promote themselves as having otherwise unavailable access to City information, processes, or decision-makers.
29. Former councillors and City staff should not accept employment in which they would be dealing with matters or files that they worked on while at the City.

Preferential Treatment

30. Elected officials and staff should take all necessary steps to avoid preferential treatment or the appearance of preferential treatment for friends or family.

Disclosure and Recusal

31. Councillors should not vote on any issue at Council or committee that puts them in a real or apparent conflict with their personal finances. They should declare their conflict and recuse themselves.
32. Councillors should recuse themselves from matters that pose a real or apparent conflict with the finances of their spouse, parents, or siblings.
33. Staff should refrain from any involvement in analysis or decision making on an issue in which they have a real or apparent conflict of interest. Conflicts or apparent conflicts should be disclosed to or discussed with the staff member's supervisor.

Integrity Commissioner

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